

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 6, 1969

Senate called to order by the President.

Prayer by the Rev. Fr. Antonio Girardin of Millinocket.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox.

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 9, at 3 o'clock in the afternoon.

(SP 492)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers From The House**Non-concurrent Matter**

Bill, "An Act Increasing Compensation of Councilmen and Mayor of City of Augusta." (H. P. 1205) (L. D. 1532)

In the House May 22, 1969, Passed to be Engrossed.

In the Senate June 3, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending consideration.

Non-concurrent Matter

Resolve, Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development. (S. P. 390) (L. D. 1315)

In the Senate May 28, 1969, Passed to be Engrossed.

In the House May 29, 1969, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

In the Senate June 4, 1969, the Senate voted to Insist.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Katz of Kennebec, the Senate voted to

Insist and Join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Neglect of Official Duty by Municipal Officers." (H. P. 528) (L. D. 699)

In the House May 29, 1969, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill on June 3, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-422).

In the Senate June 4, 1969, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Thereupon, the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians." (S. P. 85) (L. D. 279)

In the Senate June 4, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-153) as Amended by House Amendment "A" (H-368) thereto.

Mr. Stuart of Cumberland moved that the Senate Adhere.

Mr. Mills of Franklin then moved that the Senate Insist and Ask for a Committee of Conference.

Mr. Moore of Cumberland then moved that the Senate Recede and Concur and subsequently was granted leave to withdraw his motion.

Thereupon, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Bids for Contractual Services Under the Auburn City Charter." (H. P. 963) (L. D. 1243)

In the House May 28, 1969, Bill Substituted for the Report and subsequently Passed to be Engrossed.

In the Senate June 3, 1969, the Ought Not to Pass Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Thereupon, the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 478) (L. D. 1557)

In the Senate May 29, 1969, Passed To be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-472) in non-concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Recede and Concur.

Non-Concurrent Matter

Bill, "An Act Regulating Snowmobiles." (S. P. 455) (L. D. 1501)

In the Senate May 26, 1969, Passed to be Engrossed as Amended by Senate Amendment "C" (S-180).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C", House Amendments "A" (H-424) "B" (H-433) "C" (H-434) "D" (H-435) "E" (H-438) and "F" (H-463) in non-concurrence.

On motion by Mr. Tanous of Penobscot, tabled and tomorrow assigned, pending Consideration.

Non-concurrent Matter

Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405)

In the Senate May 22, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-282) and Senate Amendment "A" (S-173) in non-concurrence.

In the House, May 23, 1969, that Body voted to Insist.

In the Senate May 26, 1969, the Senate voted to Adhere.

In the House May 29, 1969, that body voted to Recede and Concur.

Comes from the House, that Body having reconsidered Passage to be Engrossed, having reconsidered adoption of Senate

Amendment "A", having indefinitely Postponed Senate Amendment "A", the Bill Passed to be Engrossed as Amended by House Amendment "A", in non-concurrence.

(On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Consideration.)

Joint Order

WHEREAS, Squaw Mountain Corporation has recently announced the expansion of its facilities by the addition of two trails; and

WHEREAS, said trails will permit the skiers to take full advantage of the available vertical drop and will provide trails two miles in length; and

WHEREAS, the cost of said expansion is made possible by a substantial investment by Scott Paper Company in the stock of Squaw Mountain Corporation; and

WHEREAS, earlier this year, in order to provide an area for still more expansion the Scott Paper Company agreed to swap a sizable parcel of its land with the State of Maine which land Scott Paper Company will make available to Squaw Mountain Corporation; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature duly recognize the initiative and imagination of the officers and directors of Squaw Mountain Corporation in constructing and expanding a major ski resort where only seven years ago it was nonexistent and also note the public spirited cooperation, encouragement and financial contribution of Scott Paper Company in this worthy project, and be it further

ORDERED, that suitable copies of this Joint Order be immediately transmitted to the Squaw Mountain Corporation and the Scott Paper Company in recognition of their outstanding achievement. (H. P. 1251)

Comes from the House, Read and Passed.

Which was read and Passed in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill, "An Act Creating the Maine Labor Relations Act," House Paper No. 567, Legislative Document No. 748, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the State Department of Labor and Industry is requested to provide the Committee with information, technical advice and such other needed assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature. (H. P. 1252)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

Joint Resolution

JOINT RESOLUTION HONORING MR. AND MRS. HERMAN D. SAHAGIAN

WHEREAS, marriage is love's souvenir, the sanctity of which and perpetuation thereof is the true cornerstone of our society; and

WHEREAS, Herman Sahagian and Stella Derderian entered the solemn bonds of holy matrimony within the Commonwealth of Massachusetts fifty years ago; and

WHEREAS, beginning as a child of two continents who later united with a woman who dignified the title of homemaker, their happiness has become a continuous harvest of untiring efforts to build upon this relationship; and

WHEREAS, the Sahagians will celebrate these happy years and special family relations on the Golden Anniversary of their wedding: now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fourth Legislature of the State of Maine now assembled, join the Golden Wedding Anniversary celebration of our friend and colleague and his dear bride by extending our warmest congratulations on this memorable occasion, along with our very best wishes for the years to come; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be immediately transmitted to the Honorable Herman D. Sahagian of Belgrade and his devoted wife, as a small memento of our esteem. (H. P. 1250)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like the Senate to share with me today a happy occasion in Kennebec County. Fifty years ago, Herman Sahagian and Stella Derderian were married in Boston. I think you all know Herman from his work on the Appropriations Committee. Herman was at the time an importer of oriental rugs. He had arrived in the United States at the age of fifteen. He spoke no English and had just finished the fourth grade in his native land — which was then Armenia.

Herman had a background that gave him the courage and motivation to succeed. His father had been a high priest, one uncle was a bishop and another had been archbishop and Patriarch of Jerusalem for thirty years. Stella also had a solid ethical background; her grandfather had been a priest.

In 1929, at a time when he had accumulated enough wealth to make life seem good and promising, Herman went broke in the "crash." He moved to Maine and started over again and fifteen years ago he retired as President of the Fairview Wine Company.

The story of Herman Sahagian is in the true American tradition. A former candidate for the U.S. Senate, selectman, former chairman of his party's Kennebec County Committee and a member of its State Committee, Herman Sahagian has been a tireless community worker and a quiet but generous philanthropist. This is his fourth term in the Maine legislature, and to those of us who have had the benefit of formal education and who speak and write easily, Herman's efforts must surely seem monumental. Although he speaks six languages, when he makes remarks in the other chamber, he first writes them out in Armenian and then translates them into English. He has overcome obstacles which would have been insurmountable to most of us.

For over twenty years the Sahagian's have lived in a lovely home in Belgrade on the shores of Great Pond and overlooking the White Mountains of New Hampshire. I say home, because Stella has made it so. She is a remarkable woman who knits and crochets like they used to in the old days. Any attempt to extol her cooking and baking is doomed to fall far short of reality. Stella Sahagian dignifies the title Home-maker.

I ask the Senate to join me in congratulating Representative and Mrs. Sahagian today on their Golden Wedding Anniversary. I invite you to join with their four children and seven grandchildren in wishing them many more years of happiness.

I move the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted in concurrence?

Thereupon, the Joint Resolution was Adopted in concurrence.

COMMUNICATIONS

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

Hon. Jerrold B. Speers
Secretary of the Senate
104th Legislature

Sir:

The Governor of the State having returned to the House:

"An Act Creating Aroostook County Commissioner Districts" (H. P. 49) (L. D. 50) with his objections to the same, the House proceeded to vote on the question.

"Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 66 members voted in the affirmative and 70 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,
BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

ORDERS

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the State Board of Education be directed to declare a moratorium on the construction of regional technical vocational centers at the high school level excepting the following list of schools which are either operating centers or will be operating in the near future or are working on their final plans and are specifically authorized to continue: Augusta, Waterville, Westbrook, Sanford, Lewiston, SAD 46 — Dexter, SAD 1 — Presque Isle, Bath, Biddeford, SAD 61 — Bridgton, SAD 7 — Farmington, SAD 54 — Skowhegan and Portland; and be it further

ORDERED, that no new centers shall be authorized until the State Department of Education has made a thorough study of the regional center program and reported its findings and recommendations to the 105th session of the Legislature. (S. P. 493)

Which was Read.

Mr. Katz of Kennebec then moved that the Order be tabled until the next legislative day, pending Passage.

Whereupon, Mr. Mills of Franklin was granted unanimous consent to address the Senate.

Mr. MILLS: Mr. President, the only thing is that if this order is drafted the way it is printed then

it isn't drafted right. I don't like to see any chance of an error in this thing. Farmington is not SAD 7. SAD 7 is some other location. Farmington is well on its way in a vocational school, which is partly built, and it needs to be included. I just wanted to know if the original draft is the same as it is printed here, SAD 7 and not SAD 9. It should be SAD 9. I wonder if I could make that inquiry from the Clerk as to whether it is SAD 9 or SAD 7?

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President, I would assure the Senator from Franklin, Senator Mills, and other members of the Senate that each time an order of this type is presented, which has any substantive interest to members of the Senate, I have regularly tabled them until the next legislative day for two reasons: In the first place, to try to catch errors such as may be involved here, and also to protect any member of the Senate from a surprise that is sprung on him without notice.

Thereupon, the Joint Order was tabled and tomorrow assigned, pending Passage.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that RESOLVE, to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine (S. P. 364) (L. D. 1246) be recalled from the Legislative Files to the Senate. (S. P. 494)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec, Senate in Recess pending the sound of the bell.

After Recess

Called to order by the President.

Committee Reports

House

Refer to 105th Legislature

The Committee on Labor on Bill, "An Act Creating the Maine Labor

Relations Act." (H. P. 567) (L. D. 748) Reported that the same be referred to the 105th Legislature.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw

The Committee on Taxation on Bill, "An Act Providing for the Taxation of Forests." (H. P. 876) (L. D. 1119) Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report Was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Judiciary on Bill, "An Act to Give the Attorney General Authority to Require Certain Telephone Records." (H. P. 386) (L. D. 496) Reported that the same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Redemption by Owner and Sales of Tax Acquired Property." (H. P. 816) (L. D. 1055)

Reported that the Same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Posting Bonds by Defendants Under the Uniform Paternity Act." (H. P. 817) (L. D. 1056)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Ought to Pass—As Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$9,370,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and

Adult Offender at our Mental Health and Corrections Institutions." (H. P. 311) (L. D. 398)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-444).

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$5,430,000 for the Construction and Improvement of Vocational Education Facilities at Northern, Southern, Eastern and Central Maine Vocational Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and Unorganized Territory Schools." (H. P. 317) (L. D. 404)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-443).

The Committee on Business Legislation on Bill, "An Act Revising the Savings Banks Laws." (H. P. 1021) (L. D. 1360)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-445).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, tomorrow assigned for Second Reading.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$1,900,000 for the Development, Expansion and Improvement of State Park and Forestry Facilities and for the Completion of the State's Marine Research Laboratory." (H. P. 309) (L. D. 396)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-429)

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-429) and House Amendment "A" (H-480)

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Business Legislation on Bill, "An Act Making Permissible the Group Marketing of Property and Liability Insurance." (H. P. 920) (L. D. 1181)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code." (H. P. 1227) (L. D. 1560).

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read.

On motion by Mr. Letourneau of York, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts." (H. P. 258) (L. D. 334)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1249) (L. D. 1584)

Signed:

Senators: WYMAN of Washington
BELIVEAU of Oxford
LETOURNEAU of York

Representatives:

MARSTALLER

of Freeport

WATSON of Bath

RIDEOUT

of Manchester

D'ALFONSO of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

DENNETT of Kittery

STARBIRD of Kingman

DONAGHY of Lubec

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which reports were Read.

On motion by Mr. Wyman of Washington, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in non-concurrence, the Bill in New Draft Read Once and tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Minimum Hour and Wage Standards for Firefighting Personnel of the Auburn Fire Department." (H. P. 692) (L. D. 892)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1246) (L. D. 1581)

Signed:

Senators:

CONLEY of Cumberland
KELLAM of Cumberland

Representatives:

COTE of Lewiston
NORRIS of Brewer
COX of Bangor
WHEELER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

TANOUS of Penobscot

Representatives:

SHAW of Chelsea
BAKER of Orrington
CUSHING of Bucksport

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending the motion by Mr. Tanous of Penobscot to Accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

Five members of the Committee on Legal Affairs on Bill, "An Act Relating to Contracts for Class

Pins, Emblems or Photographs." (H. P. 822) (L. D. 1061)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-468).

Signed:

Senator:

TANOUS of Penobscot

Representatives:

COX of Bangor
NORRIS of Brewer
SHAW of Chelsea
CUSHING of Bucksport

Five members of the same Committee on the same subject reported in Report "B" that the same Ought Not to Pass:

Signed:

Senators:

CONLEY of Cumberland
KELLAM of Cumberland

Representatives:

COTE of Lewiston
BAKER of Orrington
WHEELER of Portland

Comes from the House, Report "B" Ought Not to Pass Read and Accepted.

Which reports were Read.

On motion by Mr. Conley of Cumberland, the Ought Not to Pass Report "B" of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on State Government on Resolve. Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (S. P. 178) (L. D. 580)

Reported that the same Ought to Pass in New Draft Under New Title: Resolve, Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years. (S. P. 491) (L. D. 1585)

Signed:

Senators:

WYMAN of Washington
BELIVEAU of Oxford

Representatives:

RIDEOUT of Manchester
WATSON of Bath
D'ALFONSO of Portland
STARBIRD of Kingman
MARSTALLER

of Freeport

DENNETT of Kittery

The Minority of the same Committee on the same subject mat-

ter reported that the same Ought Not to Pass.

Signed:
Senator:

LETOURNEAU of York
Representative:
DONAGHY of Lubec

Which reports were Read.
Thereupon, on motion by Mr. Wyman of Washington, the Majority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority (S. P. 97) (L. D. 307) ask leave to report: that the House recede and concur with the Senate in passing the resolve to be engrossed.

On the part of the Senate:

KATZ of Kennebec
MINKOWSKY
of Androscoggin

On the part of the House:
BIRT of E. Millinocket
RICHARDSON

of Stonington
BRAGDON of Perham

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second reading reported the following:

House

Bill, "An Act Relating to Non-profit Hospital or Medical Service Organizations." (H. P. 808) (L. D. 1047)

Bill, "An Act Relating to Services of Premises Not Licensed Under the Liquor Laws." (H. P. 1223) (L. D. 1555)

(On motion by Mr. Berry of Cumberland, temporarily set aside).

Bill, "An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions." (H. P. 1234) (L. D. 1566)

Which were Read a Second Time and, except for the matter set

aside, Passed to be Engrossed in concurrence.

The President laid before the Senate the matter set aside as requested by Mr. Berry of Cumberland:

Bill, "An Act Relating to Services of Premises Not Licensed Under the Liquor Laws." (H. P. 1223) (L. D. 1555).

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-234, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Provide for Taxation and Regulation of the Associated Hospital Service at Maine." (H. P. 885) (L. D. 1144)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

House — As Amended

Bill, "An Act Revising the General Laws Governing the Town Manager Form of Government." (H. P. 900) (L. D. 1161)

(On motion by Mr. Tanous of Penobscot, tabled and tomorrow assigned, pending Passage to be Engrossed.)

Bill, "An Act to Provide for Special Plates Observing The State of Maine Sesquicentennial." (H. P. 1130) (L. D. 1457)

Bill, "An Act to Revise the Liquor Laws." (H. P. 1224) (L. D. 1556)

(See action later in today's session.)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act to Regulate the Removal and Disposition of Certain State-owned Objects and Specimens." (S. P. 489) (L. D. 1573)

Bill, "An Act Relating to Payments to the Law Libraries in the Several Counties of the State." (S. P. 486) (L. D. 1570)

(On motion by Mr. Mills of Franklin, tabled until later in today's session.)

Bill, "An Act to Create a State Housing Authority." (S. P. 488) (L. D. 1572)

Bill, "An Act Relating to the Employment of the Handicapped." (S. P. 487) (L. D. 1571)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Interest on Judgments." (S. P. 107) (L. D. 314)

Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 142) (L. D. 424)

Bill, "An Act to Authorize Limited Supervised Practice by Third-Year Law Students on Behalf of Certain State Agencies and Legal Aid Organizations Pursuant to Court Rules." (S. P. 335) (L. D. 1133)

Bill, "An Act Relating to Creation of Professional Service Corporation." (S. P. 378) (L. D. 1288)

Bill, "An Act to Amend the Charter of the City of Portland." (S. P. 379) (L. D. 1289)

(See action later in today's session.)

Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, with reference to Item 7-7, Bill, "An Act to Revise the Liquor Laws," this is the liquor law omnibus bill and there is a technical amendment that needs to be added, therefore, I would move that we reconsider our action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that on Bill, "An Act to Revise the Liquor Laws" (H. P. 1224) (L. D. 1556), the Senate reconsider its action whereby this Bill, as amended, was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, tabled and

tomorrow assigned, pending Passage to be Engrossed.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers. (H. P. 855) (L. D. 1097)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Amending the Sanford Sewerage District. (H. P. 706) (L. D. 920)

An Act to Permit the Payment of School Construction Aid Upon the Completion of a Project. (H. P. 376) (L. D. 485)

Which, except for the tabled matter, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve, in Favor of Matinicus Isle Plantation. (H. P. 1213) (L. D. 1545)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Bond Issue

An Act to Authorize Bond Issues in the Amount of \$50,000,000 to Provide Funds for School Building Construction. (H. P. 158) (L. D. 197)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Bond Issue

An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6. (S. P. 358) (L. D. 1222)

On motion by Mr. Katz of Kennebec, tabled pending Enactment.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act to Amend the Charter of the City of Portland (S. P. 379) (L. D. 1289), was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President, I move that this bill

and its accompanying papers be indefinitely postponed, and I will speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act to Amend the Charter of the City of Portland," be indefinitely postponed.

The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: The problems of Portland are very close to this legislature and I hope that this legislature is paying due attention to most of them.

Our largest city has some very real financial problems confronting it, and on Monday on your desks will be a school subsidy bill that I think reflects the concern of many of us that Portland needs some help and needs it now. But, Mr. President, I don't think that this is the kind of help that Portland needs.

I have been very impressed with letters and support from the League of Women Voters that indicates that this particular document would return our largest city to the kind of very, very familiar partisan political activities that was so common in larger American cities in days gone by. This would completely do away with the present system of government, which is a city manager, non-partisan type of government.

Mr. President and Members of the Senate, I have a feeling that Portland's problems will only be magnified if they are complicated by the return to the old partisan system of government that has been rejected in the State of Maine for so many years, and which is increasingly falling into disfavor all over the United States.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I wish to thank the Majority Floor Leader, Senator Katz, for his concern with the City of Portland, but I feel that the citizens of Portland are much better qualified in deciding for themselves as to whether or not, after some forty or fifty years or, anyway I guess since back in 1923,

they should have the opportunity to decide for themselves as to whether or not they want to change their form of government.

This bill has received a considerable amount of attention in the newspapers, and I am well aware of the fact that certain members of the City Council in Portland and other employees of the City of Portland have been in direct communication with the good Majority Floor Leader. But I don't want to decide this bill on the merits of who says it is good and who says it is bad.

This bill was given a hearing before the Legal Affairs Committee a short time ago, it had their unanimous endorsement, and it should go back for the people to decide as to whether or not they want to make that decision.

I had no intention of debating this matter this morning but apparently, after it was passed to be engrossed, the Majority Floor Leader decided that we should reconsider, however, I am not going to prolong the debate, but I would just like to point out some of the glaring examples of what is taking place in the city government of Portland today.

I am concerned with government regardless, particularly partisan government, regardless of whether a Republican is mayor of the City of Portland, whether he is the mayor of the City of Waterville, the mayor of the City of Biddeford, the mayor of Lewiston, or any other place. But I would like to cite just some of the figures which has taken place in the election in the City of Portland over the last three municipal elections. In the 1966 election, for example, with a registration of 30,609 out of a population of 72,000, based on the 1960 census, there were exactly 5,229 votes cast. This breaks down to seventeen per cent of the total registered voters. In 1967, we had 29,457 registered voters. We had a good year that year. There was 6,695 people turned out to vote, which is 22.7 per cent. Last year, with 31,955 registered voters, we had 4700 people turn out to vote, which gives us

14.7 per cent of the total number of registered voters.

I don't say that our government is bad. I have heard the argument, and this is all I have ever heard around Portland from the so-called professionals, they say "We don't want to go back to a mayor form of government. We will end up with corruption or we will end up with the same kind of things that happened back in 1923." As I stated before the Legal Affairs Committee, if we had a government such as we had in 1923 I would have voted against it. At that time they had a council form of government along with an alderman form of government, plus the mayor. I forget exactly what the numbers were, but I think there was something like twenty-three councilors and nine aldermen, or something like that, but certainly it was away out of proportion and it was a difficult task to get anything done.

My bill, if anybody cares to take the time to read it, calls for a mayor to be elected by the people. It calls for a city administrator—it still has that professional touch that everybody is looking for—he is appointed by the mayor. The department heads are appointed by the mayor with the advice and consent of the elected council. In other words, the mayor becomes directly responsible to the people. There is a communication between city hall and the people, and it is quite clear that none exists today.

We have a pure form of government in the City of Portland. In fact, sometimes it is referred to as being so pure that it is sterile. It is just like it is dead. There is no lifeline, no umbilical cord or anything between city hall and the public. It seems that the city management form of government in our city, as in most cities, tends to be more concerned as to big business or the establishment rather than the needs of the people of the cities.

I don't want to prolong debate here today. This bill has been well thought out and well drafted by some professors in politics who are familiar with the drafting of this type of document. I certainly

hope that the members of the Senate here this morning give the citizens of Portland the opportunity to decide for themselves as to whether or not they want this. If they don't they will turn it down, but I think there is a tremendous amount of merit in this bill and, from the rate of phone calls that I have been getting since it was first made known that I was to introduce this bill, I feel there is a great deal of support for it, and I hope that the Senate will at least abide by the unanimous Ought to Pass Report of the Committee on Legal Affairs.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I think you have heard this before, but I honestly didn't intend to rise on this matter, however, I am very disturbed that we here in this legislative body would deny the people of a particular community the right to vote on a referendum issue, and that is just the question.

I think that the proposal has some merit and I think the people should be able to decide and are certainly capable of answering the question themselves.

I would like to point out to you that the City of Westbrook has this form of government and it works well. The City of Westbrook does not have a corrupt government. We have had some excellent mayors and have today. We have Mayor Donald Saunders, we have had Mayor Lee Flint, Francis Rocheleau, and Richard Libby. I think that the City of Westbrook has prospered and I think the City of Westbrook has an excellent form of government under this same identical proposal. I would also call to your attention that the City of Westbrook probably has one of the greatest voter participations of any community within the State. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: It comes as a surprise to me that this bill would be at-

tacked at this time and the objections advanced be so meager by the good Senator from Kennebec County.

It seems to me that these charter changes which the Legal Affairs Committee hears so many of, discusses to great extremes, and turns out these bills with the referendum generally attached to them, they then go back to the communities and the voters there decide. This bill is like so many others that we have had. It is a good worthy proposal to be considered by the voters of Portland, and I really think it is an affront to try to deny them the opportunity to be heard in this matter.

I think the fact that there was a mayor form of government some forty-six years ago, and was changed to something else, should have little bearing upon whether they should be allowed to consider it again. The opposition at the hearing to the bill was quite small, and I really feel there is a considerable demand among the voters of the City of Portland for them to be allowed to express their desires on this bill. I would certainly hope that you would oppose the indefinite postponement of the bill, and I would ask for a division.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I request that when the vote is taken it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am in receipt of a communication signed by Mrs. Emily P. Farley of the Board of the League of Women Voters. In this communication Mrs. Farley makes some rather pertinent comments on the bill, and I feel that they are quite applicable to this matter at hand.

It says "This is an act to drastically change Portland's government from the present council-manager form to a strong mayor form with partisan elections. Only a very few people are proposing this change. At the hearing held before

the Legal Affairs Committee three people spoke in support of the measure. They were two legislators and one professor from the University of Maine in Portland. Six people spoke against the measure, three present members of the Portland City Council, one legislator, one Portland businessman and the President of the Portland League of Women Voters.

"The L. D. provides that the referendum to accept this would be held on the first Tuesday of November, 1970. Since this is a year of national elections it is highly possible that the issue would be decided on a partisan basis rather than on a thoughtful local level."

It goes on to say "The strong mayor form of government has been defeated at referendum twice before in Portland. This indicates strong citizen support for our present council-manager government.

"In 1961 a Citizens Charter Review Commission thoroughly reviewed our charter and form of government. This commission, composed of a broad cross-section of citizens, did not recommend reverting to the strong mayor system nor to partisan elections, both of which are provided in L. D. 29.

"As recently as 1965 a proposal to revert to ward election of councilors was defeated at local referendum, another feature included in L. D. 1289.

"Portland is in the midst of many complex programs, model cities, downtown renewal water pollution abatement, waterfront development and others. To force our citizens to consider so drastic a change in their government would wastefully divert their energy and time from these more pressing problems."

I think these facts as presented by the League are of extreme significance and pertinent to this problem here. I have seen the League increasing in stature and its non-partisan approach to matters is certainly a very commendable feature of its outlook in the way it tackles these problems. I would support the motion for indefinite postponement based on this.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the

Senate: I wish to thank the good Senator from Cape Elizabeth for showing his concern for the City of Portland. I would like to state though that that is probably just what is wrong with the City of Portland, too many people from outside our community seem to have their foot in the door and seem to be able to dictate which road the City of Portland is going to take. For example, I will call your attention to the very fine letter from Mrs. Farley. If you will notice just at the top, the heading of the letter itself, it says "The League of Women Voters of the Portland Area." Portland Area, which means greater Portland. I think there is something like a hundred of them, and anytime that I find myself on the same side of the street, as a rule, with the League of Women Voters I generally question whether or not it is good legislation. Maybe there is something wrong with it.

Now, you talk about this being decided upon in the election of 1970. I just got through reading to the members of the Senate the type of vote that is being cast in our annual municipal elections. Seventeen per cent, fourteen per cent, twenty-two point seven per cent. Let's compare Portland's turnout at the municipal elections with Westbrook, for example, our sister city which only has a population of 13,000. But in 1963 they had a 62.7 per cent turnout at the municipal election, in 1965 they had 48.5, and again in 1967, 52.9 per cent. Now, each one of these times it is well over or close to a majority of the registered voters.

Let's look at Waterville. In 1963, 64.8 per cent, 56 per cent in 1965, and again in 1967, 64.1 per cent. Let me state clearly that Waterville and Westbrook, if we are concerned about partisan elections, I believe have Republican mayors. I think it has been a long time since you have seen a representative in the House of Representatives serving from either one of those communities. I feel that when local matters are to be decided, local issues are decided by local people. They know what is good for them.

Senator Berry pointed out that, according to Mrs. Farley's letter, this bill went to referendum back

in 1964 on the districting of the council. Sure it went out in 1965, it went out before seventeen per cent of the registered voters, seventeen per cent. I wouldn't want to abide by any decision by seventeen per cent.

I speak frankly, and I think many feel the same way, when I say let it go back and let the majority of the people decide on it. If they vote "No" and turn it down, fine, but I think in a democratic society they should be given that right.

What is so nasty about partisan politics? Aren't we all here because we are partisan politicians and represent the party of our choosing? What is so bad about that?

I am disturbed that the good Senator from Kennebec, Senator Katz, has chosen to pick this poor worthy document and is trying to send it to its demise so early after it has been reported out of committee. Again, I just hope that we can give the citizens of Portland the opportunity to decide its merits.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I just wanted to explain one thing that Mrs. Farley has in her letter, or at least something about the letter. I know Emily Farley very well. We go to the same church and we have been on boards together, and I certainly would say nothing about the lady other than commendable things. However, I don't believe that the League of Women Voters of Greater Portland does know everything that is best for the City of Portland. It is a fairly small group, and I commend them for their efforts.

On the other hand, when they say that the mayor type of a charter has been rejected before, what they are referring to is back in the 1920's. I asked Emily right at the hearing if she didn't think that possibly every fifty years or so it might not be a bad idea to think of things again. I don't think that is too short a period to review our thinking. Referring to the '65 charter changes they are really somewhat irrelevant to this particular bill. These were other

changes that happened to be defeated by very small votes.

I just want to say that she did present this very same letter to the committee. The committee heard her. She spoke for the League, or I assume she did, she was there alone. All of these matters were considered before the bill was turned out. It is going to a referendum of the City, and I think it might be a good thing to have the voters allowed to express an opinion.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I don't think, as a legislative body, that we should come out and tell the people of Portland that they are not intelligent enough to decide what kind of a city government they ought to have. That is why I go along with the bill and will vote against indefinite postponement.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I have permission from my good seatmate here to say a few words in regards to this bill. I was going to remind him about his Sunday's press clippings but he seems to be doing pretty well.

I personally feel that there are three Senators representing part of Portland here, and I feel that they are the ones that are going to carry the brunt of this, they are the ones that get elected from that area, so this Senate would be remiss not to support this legislation since it goes to referendum. This generally has been the policy here in this Senate.

I think it was only two or three days ago when the good Senator from Kennebec, Senator Katz, stood up, and I think the bill was pretty near at the enactment stage, and he said he had just had word that the city fathers here in Augusta hadn't wanted a certain thing so he moved indefinite postponement on some charter change. We didn't particularly question it.

Now, I am not going to carry forward the debate in one sense

of whether the City of Portland needs a mayor or not, but it has been mentioned here about government and the problem we are having. I am concerned with it. I have always said I was a good Jeffersonian Democrat, and Jefferson said "A little rebellion from time to time is a good thing." I agree with that, as corny as it may seem. I think we have become so efficient that we are becoming the most inefficient government in the world. Now, that doesn't make sense, but the only efficiency, the only strength that the democratic society has is its people. I feel that the people have complete mistrust in their representative form of government, and it is working both ways. We don't trust them and they don't trust us. I feel, as a representative of the people, that we have got to let them know that we do have faith in them and that the responsibility of government is basically theirs, not ours. The mere fact that we represent them while we are here, it is true, it is our responsibility, but it is their responsibility to take charge of who should come here, and they are not doing this.

I think the great problem here is that the people have become lazy, and this is the thing we are going to have to correct if we are going to get this country heading back in the right direction. And I am not sure but what a good—well, I was going to use a little profanity and I refuse to do that—but a good hot political battle in the City of Portland might wake people up to their senses and start local government in the right direction. Therefore, I sort of support the mayor concept, and I would hope that the Senate would at least go along with letting the people of the Portland area decide this for themselves.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I agree with a great deal that Senator Reed has said, but I must point out that from a practical standpoint, the way the system seems to operate, legislation such as this requiring referen-

da are prepared by small groups—and I would point out again that there were three proponents at the hearing, two legislators and a U.M.P. professor, and six opponents—that come to the legislature and we put it out. The legislature says let the people decide because they are the final judges. The people say the legislature passed the bill and therefore it is all right. So, there is very little screening process here, there is very little control. We are passing the buck back and forth. If the people don't do the work, if the legislature doesn't do its work, then the matter that is up for referendum, in the eyes of the people, has the blessing of the legislature, and this is not the case. This is where the system breaks down.

Mr. Conley of Cumberland was granted unanimous consent to address the Senate a fourth time.

Mr. CONLEY: Mr. President and Members of the Senate: I would like to just clarify one of the statements the good Senator from Cape Elizabeth made, Senator Berry, when he quotes Mrs. Farley's letter again. The opponents that came before the Legal Affairs Committee were Grade A scholars of the establishment, three present members of the City Council—let me clarify for the Senate that there is not unanimous opposition on the City Council relative to this particular L. D. There is some support there for it. I know that two members of the Council have informed me that they are 100 per cent for it, and some of the others are lukewarm. But four of the people that spoke against it were three present members of the Council and one former member of the Council Mrs. Farley, who represented the League, and who I think represents the establishment as well as the League, but I don't think the League does anyway. Secondly, I can't remember who the businessman from Portland was that opposed the bill. In fact, as far as proponents for these L. D.'s, these charter changes and such, it is very difficult to get a working man to take a day off and come up to Augusta from away down

in Portland. They feel that they are going to have an opportunity to vote on it in referendum, and I see no reason why they should have to storm all the way up here.

I would like to read a copy of a letter from Dr. Lincoln Smith of New York University, who happened to be before the Legal Affairs Committee one afternoon in reference to another charter bill that was there. I asked him to take a copy of mine and if he had the opportunity to look it over very carefully, and if he saw any flaws in it that I would appreciate it if he would inform me of them, and also as to whether or not he liked it or disliked it. He sent this letter here:

"Dear Senator Conley: I have read carefully L. D. 1289 and I like it and hope that it will receive favorable action this session, Article 3, Section 9 is particularly appealing. It offers Portland's citizens the major advantages of a manager system and yet would serve to remedy some of its basic defects. Under this proposed structure the trained administrator"—we referred to him as the city administrator — "definitely would be responsible to a popularly elected executive, the mayor. It would do much to restore the principle of separation of powers, the fundamental safeguard for popular control, which the manager system seeks to destroy.

"To me it seems that a city as large as Portland requires the services of a well-trained and experienced administrative expert. Inasmuch as there is no functions in the administrative area, the structural set-up of making him directly responsible to the mayor, who is elected to head the executive branch, is far superior to the usual configuration where a city manager serves the majority of a council of nine members. A manager beholding to a council diffuses legislative executive prerogatives which would be remedied by making him responsible to the mayor, as L. D. 1289 would do.

"Members of the council presumably are reluctant to make policy decisions under the charter, but a mayor is chosen by the people because they believe he has

the essential qualities to head the executive establishment. That is why the mayor should select the city administrator and supervise and control his activities."

I think, Mr. President and Members of the Senate, that Dr. Smith's letter denotes the fact that there is a problem when a city the size of Portland loses communication with its citizenry. As I stated before, I have no objection to whoever serves as mayor of the City of Portland, as long as the people have the opportunity to elect him and to show their voice, even as to whether or not they want to go back to that system—not that system, but back to a new system. Again, I hope that the members of the Senate will not make this a partisan vote and will give the citizens of Portland the right to decide for themselves.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act to Amend the Charter of the City of Portland," be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. All those Senators in favor of ordering a roll call will please rise and remain standing until counted.

Obviously more than one fifth having arisen, a roll call is ordered. The pending question is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act to Amend the Charter of the City of Portland," be indefinitely postponed. A "Yes" vote will be in favor of the motion for indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Wyman, and President MacLeod.

NAYS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed, and Violette.

ABSENT: Senators Barnes and Tanous.

A roll call was had. Sixteen Senators having voted in the affirmative and fourteen Senators having voted in the negative, with two Senators absent, the motion prevailed and the Bill was Indefinitely Postponed.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

SENATE REPORT — Leave to Withdraw as Covered by Other Legislation from the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Cumberland County." (S. P. 181) (L. D. 583)

Tabled — June 4, 1969 by Senator Kellam of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Increasing Certain Fish and Game Fines." (H. P. 1204) (L. D. 1531)

Tabled — June 4, 1969 by Senator Anderson of Hancock.

Pending — Motion by Senator Mills of Franklin to Indefinitely Postpone Bill and Papers.

On motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending the motion by Mr. Mills of Franklin to Indefinitely Postpone the Bill.

The President laid before the Senate the third tabled and specially assigned matter:

JOINT ORDER — Relative to Legislative Research Committee study of Maine State Retirement System Benefits for Law Enforcement Officers. (S. P. 490)

Tabled — June 5, 1969 by Senator Katz of Kennebec.

Pending — Passage.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

The President laid before the Senate the fourth tabled and specially assigned matter:

HOUSE REPORTS —from the Committee on Education on Bill, "An Act Creating a School Administrative District for the City of Portland." (H. P. 805) (L. D. 1044) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing H-462; Minority Report, Ought Not to Pass.

Tabled — June 5, 1969 by Senator Kellam of Cumberland.

Pending — Motion by Senator Kellam of Cumberland to Accept the Majority Ought to Pass as Amended Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Here again is a question about legislation pertaining to the City of Portland that seeks to accomplish several things. In the first place it seeks to create a school administrative district. By creating a school administrative district in our major city we would, in effect, be giving fiscal autonomy to people who run the educational system of Portland. Fiscal autonomy for education within cities is a tremendous controversial thing. By and large the State of Maine has had the feeling that there should be checks and balances on education within the city. If indeed the City of Portland wishes to grab fiscal autonomy without going to an SAD the simple approach would be to modify its charter granting fiscal autonomy.

The second approach to Portland's problem is the question of its debt limitations. Portland has financial problems, and Portland, of course, has to build some schools. Portland is in a dynamic situation of expansion, and it is a situation that the legislature must be aware of and must give increasing attention too. On tabled item six on today's calendar, Resolve, proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing, is an answer to the fiscal problems of the City of Portland.

Three, Portland has problems in so far as keeping up with increasing operating costs of every day education in the city. In this regard I say that this legislature is approaching this problem in a responsible manner through the vehicle of a school subsidy bill. When you come in here on Monday you will find on your desks a proposed school subsidy bill for the second year of the biennium which gives Portland a \$500,000 increase in proposed school subsidies for the single second year of the biennium. This means, of course, for the second following biennium that this legislature, if it agrees, will pour something over a million dollars in excess into the Portland school system. I think on this basis we are approaching the problems of Portland's financial needs.

Mr. President, I have reluctance to see our largest city in the unusual position of having the only school administrative district of its type in the State. This is a very controversial question, and I don't suggest my position is necessarily a black and white right position. But I do say that within the City of Portland I have been approached by many people who have expressed grave concern about the creation of a school administrative district. Presently in question of the school appropriation there is full control in Portland by the City Council over the ultimate final figure that is spent on education. There is full control as there is in Augusta, Waterville, Westbrook, Bangor, Lewiston, and in Auburn. This bill would destroy this present relationship and grant fiscal autonomy to the directors of the school administrative district.

Addressing ourselves to the cost of this bill, those of you who are concerned with the size of our package should know that the cost in the present biennium, in this coming biennium, is something in the vicinity of \$170,000-\$180,000. But more significant, those of you who are concerned with the future built-in cost should know that in succeeding bienniums the cost, in addition to everything else we are presently doing, in addition to the present subsidy that I said would

bring them in a million dollars extra in succeeding bienniums, the additional cost of this one bill alone is going to be well in excess of \$300,000 for the biennium as a start. So there is a basic decision to be made here. How do we want to help Portland and to what extent? On that basis, Mr. President, I move that this bill and all its accompanying papers be indefinitely postponed. I will ask for a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that bill, "An Act Creating a School Administrative District for the City of Portland", be indefinitely postponed, and requests a roll call.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I have already expressed myself in favor of this and I would like to make just a few points. Although the good Senator from Kennebec, Senator Katz, has stated that fiscal autonomy for schools is controversial, I remind you that about 80 percent of the communities in this country have fiscal autonomy for their schools.

This sheet has been put on your desk and I think some of you have read it, a letter from Commissioner Logan to the Committee on Education recommending that Portland and Sanford be single unit districts. Portland and Sanford are special. Portland does have many very old schools built right after the Civil War. Portland is not as wealthy as many in other parts of the State think. They have much tax-exempt property. Portland needs greater borrowing capacity. Their debt limit now is \$24,000,000. They have \$14,000,000 outstanding. That leaves \$10,000,000. In the next five years they will be forced to build a new high school complex combining Portland and Deering, and a vocational school which will cost \$10,000,000-\$12,000,000. So, their borrowing capacity is a problem and I, for one, think that Portland needs this help.

I feel very strongly about this, mainly because I have a great

deal of confidence in the people on the school committee there, the Chairman, Merton Henry, and others who are trying to do their very best to bring the very finest education to the students of Portland.

Portland has seven percent of all the children in public schools in the State of Maine. They have about 670 teachers there which is more teachers than there are pupils in many communities. As the Commissioner has said, there is no other town that Portland should join with. This is not the case in Brunswick. Brunswick, my town, has three other towns around it that on the master plan should join in a SAD, but Portland should be a single unit administrative district. I hope you will oppose the motion of the good Senator from Kennebec, Senator Katz.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I hope that all the members of the Senate will give this bill the attention it deserves.

I have the feeling that today my being in favor of the bill is no particular asset to it. However, I have tried to approach all the legislative matters that have come before us as fairly as I can and make a just decision. It is not my practice, generally, when I vote against something to praise it in glowing terms as I shoot it down. I usually vote my conscience and let it go at that.

This particular bill sets up an SAD in the City of Portland. It does exactly what all the mandatory bills the school department or the State Board of Education come out with as proposed to be done.

The good Senator from Kennebec County recently made remarks in favor of a bill having to do with mandatory school districts and, of course, in that particular bill, if it passed, the City of Portland would be made a school district. In the previous reports of the legislature when they had a schedule of compulsory districts, I believe two years ago, Portland was listed as a single school dis-

trict. Now the reason for this is quite simple, the school districts are trying to acquire a certain size to them, so that economical education can be availed of. The Portland schools are such that it would be unfeasible for them to unite with surrounding school systems. I know years ago, when they first talked about the Sinclair Law, many people had the feeling that the good Dr. Conant from Harvard was talking only about school districts that were too small and ought to be made larger. I know at one particular time I had brought out to the attention of the other legislative body that if they took the time to read Dr. Conant's report they would have found out how he objected to oversized high schools.

So, it is clearly unfeasible for a high school in the City of Portland with seventeen hundred students to unite with another one with fifteen hundred.

I believe that the State Department of Education recognizes the reasoning that it should be a school district and they have endorsed it as such. It merely happens, it seems to me, that there has been a very unjust attack made upon it. As far as fiscal autonomy goes, all the SAD's are fiscally autonomous. It isn't anything that the City of Portland is trying to do to subvert a system; it is just the way it is. It is in the law and we have to abide by it. It would permit the city to borrow money, and they are in need of being able to borrow money because of its borrowing capacity and the need to improve the schools. We have, as the good Senator Stuart has stated, built some schools back before the Civil War, and we do have a consolidation program going on in some areas. The need is very clear, unless you feel that on the school subsidy bill which is coming out next week is written for the benefit for the City of Portland, and I can assure that it is not. Getting a million dollars sounds like a lot, of course, the figures the good Senator gives are not completely accurate, but we do pick up quite a bit more on this subsidy proposal than we had got previously. What he doesn't tell

you, of course, any increase in the subsidy program is going to increase Portland regardless of what kind of formula they use. When you talk about getting \$1,500,000 in a particular year it sounds like a lot of money, but you try putting that over \$9,000,000 you begin to realize it is about sixteen percent of the school cost. I know that there are none of you here who live in an area who gets less percentage. I am quite sure that you will agree with me, if you checked with your school departments on what they received last year, that probably none got less a percentage of its current cost than Portland did.

It is not a question of funding money to them, or it is not a question of a poor relative, this is something that is built in the law, it is something that is coming. The SAD system is going to encompass the entire State of Maine, and certainly when you have a district that wants to be a district, and the State Board of Education says they should be a district, and it is being put to a referendum among the voters of that community whether they will be a district, it seems to be very poor form indeed to try to defeat the bill. So I would hope that you will disregard some other factors, take your information from whence it comes, and vote against the motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would urge the members of the Senate to oppose the motion for indefinite postponement. There are two features of this bill that I feel are noteworthy enough and commendable enough to require our support. The first is the autonomy that this will set up in the school district. Portland has historically followed its school affairs very closely and the caliber of people who have been elected to the school committee, and the manner in which they have conducted their affairs, their negotiations with the teachers, and so forth, have all indicated that they

are directors, trustees, and school board members of the highest caliber. I think that this will continue into the future and that increased autonomy for an operation like this is very much indicated.

The second reason I am for this is the improvement in the fiscal and bonding procedure which will result from this. Portland at present has a \$24,000,000 bonding limit; fourteen of this is committed. They have an area vocational school lined up which is going to take \$6,000,000 of the residual \$10,000,000 limit, leaving them only \$4,000,000. With all sorts of municipal programs underway the relief from the bonding ceiling is imperative in the City of Portland. So, for these reasons I would urge your opposition to the motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope that there is no one in this chamber who feels that in anyway I have cast any aspersions on the excellence and integrity of those who administer the Portland school system, including their new and excellent superintendent, and their fine directors of their school system.

I would suspect that any school director or any member of the board of education worth his salt would support this measure for his community, because it does offer some very real advantages to the school system within the community. If the Senator from Cumberland, Senator Stuart, is impressed with the fact that Mert Henry, who is one of the outstanding men in the State in my book, supports this is no great surprise, because he is a conscientious member of the board of education and he is aware of his problems. But when the Senator from Cumberland, Senator Stuart, stands up and he starts talking about school construction he is comparing apples and pears just as clearly as can be, because the principal advantage of the school administrative district from the financial point of

view is in the operating revenue that it would give the community.

When the Senator from Cumberland, Senator Kellam, stands up and he starts talking about school subsidies, he neglects to tell you of the deep concern that I feel, and other members of the Committee on Education feel, for the operating costs of the City of Portland's school system. I am going to mention a percentage to you and I want you to hear it and hear it well, that the recommended increase in the State support of education in the City of Portland in the second year is fifty per cent. If this is casual interest, it is unclear to me what casual interest really means.

I share all the concern expressed for Portland, and my whole orientation has been to increase State support, but as Chairman of Education, I also have to be very aware of the fact that there are communities within riding distance and five or ten minutes of this building today who are still in one and two room school houses with outdoor plumbing. Out of a sense of equity, I say that you cannot put all your concentration on the obvious political power of the City of Portland and neglect them, and neglect them you are, because there is a very limited amount of money coming out of this session for the support of education and our students. So look at the whole picture when you vote on this. You are not voting against Portland, but take a State-wide point of view, and then next week when the school subsidy is in front of you and you see a fifty per cent increase, a half a million dollar increase, in one year for school subsidies for Portland, you will know that I am not callous and indifferent for Portland's needs.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Creating a School Administrative District for the City of Portland", be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting.

All those Senators in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will repeat the question. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill "An Act Creating a School Administrative District for the City of Portland", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement, and a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators, Anderson, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Mills, Moore, Peabody, Sewall, Wyman, and President MacLeod.

NAYS: Senators Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Quinn, Reed, Stuart, Tanous, and Violette.

ABSENT: Senator Barnes.

A roll call was had. Thirteen Senators having voted in the affirmative and eighteen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-389, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act to Clarify Taxation of Annuity Contracts and Insurance Policies." (H. P. 1229) (L. D. 1562)

Tabled—June 5, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the sixth tabled and specially assigned matter:

RESOLVE, proposing an Amendment to the Constitution Providing for Regulation by the Legislature

of Municipal Borrowing. (H. P. 673) (L. D. 859)

Tabled—June 5, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Quinn of Penobscot, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education." (H. P. 952) (L. D. 1228)

Tabled—June 5, 1969 by Senator Levine of Kennebec.

Pending — Adoption of Senate Amendment "A", Filing S-233.

Thereupon, Senate Amendment "A" was Adopted.

Mr. Levine of Kennebec then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-237, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and specially assigned matter:

Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." (H. P. 1030) (L. D. 1339)

Tabled—June 5, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

The **PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Quinn.

MR. QUINN of Penobscot: Mr. President and Members of the Senate: I am firmly convinced that this bill will not do any good and will not do the thing that it was reported to be drafted for. It will do a lot of harm, in my judgment. I move that it be indefinitely postponed.

The **PRESIDENT:** The Senator from Penobscot, Senator Quinn, moves that Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles," be

indefinitely postponed. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I move that the "Yeas" and "Nays" be taken.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles," be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement, and a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Logan, Martin, Mills, Minkowsky, Quinn, and Tanous.

NAYS: Senators Anderson, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Moore, Peabody, Reed, Sewall, Stuart, Violette, Wyman, and President MacLeod.

ABSENT: Senator Barnes.

A roll call was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with one Senator absent, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the ninth tabled and specially assigned matter:

Bill, "An Act to Provide for Registration of Snowmobile Trailer Dealers." (S. P. 185) (L. D. 587)

Tabled—June 5, 1969 by Senator Tanous of Penobscot.

Pending—Enactment.

On motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending Enactment.

The President laid before the Senate the tenth tabled and specially assigned matter:

Bill, "An Act Creating the Unclassified State Employees Salary Board." (H. P. 1212) (L. D. 1541)

Tabled—June 5, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

On motion by Mr. Wyman of Washington, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the eleventh tabled and specially assigned matter:

RESOLVE, in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722)

Tabled—June 5, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Berry of Cumberland to Insist and ask for 2nd Committee of Conference.

Mr. Wyman of Washington moved the pending question and requested a division

A division was had. Twenty-six Senators having voted in the affirmative, and none in the negative, the motion prevailed.

The President laid before the Senate the twelfth tabled and specially assigned matter:

Bill, "An Act Relating to Welfare Assistance." (H. P. 687) (L. D. 918)

Tabled—June 5, 1969 by Senator Quinn of Penobscot.

Pending — Adoption of Senate Amendment "B," Filing S-224.

Mr. Katz of Kennebec was granted Leave to Withdraw his motion to Adopt Senate Amendment "B."

Thereupon, on motion by Mr. Quinn of Penobscot, retabled and tomorrow assigned, pending further consideration.

The President laid before the Senate the thirteenth tabled and specially assigned matter:

Bill, "An Act to Provide that Charging More Than the Maximum

Legal Rate of Interest is a Felony." (H. P. 434) (L. D. 558)

Tabled—June 5, 1969 by Senator Violette of Aroostook.

Pending — Passage to be Engrossed.

Thereupon, on motion by Mr. Katz of Kennebec, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourteenth tabled and specially assigned matter:

Bill, "An Act Relating to Municipal Park and Conservation Commissions." (H. P. 749) (L. D. 967)

Tabled—June 5, 1969 by Senator Wyman of Washington.

Pending—Consideration.

On motion by Mr. Tanous of Penobscot, the Senate voted to recede from its action whereby the Bill was Passed to be Engrossed.

On motion by the same Senator, the Senate voted to Recede from its action whereby House Amendment "A" was Adopted.

Thereupon, on further motion by the same Senator, House Amendment "A" was Indefinitely Postponed in non-concurrence and, on subsequent motion by the same Senator, House Amendment "B" was Adopted in concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the first matter tabled earlier in today's session, by Mr. Katz of Kennebec:

Non-Concurrent Matter

Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405)

In the Senate May 22, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-282) and Senate Amendment "A" (S-173) in non-concurrence.

In the House May 23, 1969, that Body voted to Insist.

In the Senate May 26, 1969, the Senate voted to Adhere.

In the House May 29, 1969, that Body voted to recede and concur.

Comes from the House, that Body having reconsidered Pas-

sage to be Engrossed, having re-considered adoption of Senate Amendment "A", having Indefinitely Postponed Senate Amendment "A", the Bill Passed to be Engrossed as Amended by House Amendment "A", in non-concurrence.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: Today is the day we get down again to the nitty-gritty of Androscoggin County politics: It is most unfortunate that this has to materialize this way, that the House indefinitely postponed my Senate Amendment which called for guidelines in reference to how money would be appropriated to Child and Family Services.

The first thing I would like to call to the attention of the Senate is the ruling by our Attorney General in a letter to the Chairman of our Delegation, dated June 5th, which appeared in our Lewiston Daily Sun this morning. In essence, it states: "You have asked if Senate Amendment "A" to L. D. 1405, An Act Providing Androscoggin County Funds for Child and Family Services, is permissive legislation. The corporation affected is the Lewiston - Auburn Catholic Bureau of Social Service, Inc. It was incorporated in 1951 under Chapter 50 of the laws of the State then in force. Therefore, because the legislation may not by statute amend the structure or purpose of a private corporation, Senate Amendment "A", above identified, constitute an unconstitutional attempt to change the structure of this corporation."

When I proposed Senate Amendment "A" my intent was not to change the structure of that corporation; it was simply to act as a guideline in the appropriation of Androscoggin County funds to a private health agency, and nothing more. In fact, it is to my amazement today that I find out that their real name is not Child and Family Services, but the Lewiston-Auburn Catholic Bureau of Social Service. I am wondering if for the past four years we have been

donating illegally to a non-existent corporation.

I would like to review with the members of the Senate very briefly a portion of my amendment which the Attorney General, although he did not clarify his position, states to be in violation of our Constitution. Originally, or I might say for the past four years, it has been mentioned in county government that, since there was no legislation on our books that would allow the donation of county funds to Child and Family Services, that a member of the county commissioners at least be advised or serve on their board of directors to understand the functions of their organization. This was discussed many times with members of Child and Family Services. They had agreed that this was a good idea, but they never adhered to that idea.

Recently, the second question that was in violation, as the Attorney General ruled, it was an idea that was projected when I had discussed this matter with the sponsor of the bill, approximately seven weeks ago, where we felt there would be more continuity and understanding between the Androscoggin County Commissioners, the delegation and the board of directors of the Child and Family Services, and it was to place a member of the legislature, whether it be a Senator or a Representative, on their board of directors only during his term of office.

My intent in presenting these amendments was not to violate the Constitution by any means to change the structure of their board, but only act as a directive that there would be less conflict materializing each and every budget session. I might add at this particular point that I disagree with the Attorney General in his ruling on the entire amendment, because Item 3 specifically states that a financial statement be provided to the Androscoggin County Commissioners by Child and Family Mental Health Services disclosing all sources of revenue, including state and federal allocations or grants for the exclusive use, for the exclusive use of our county commissioners.

There is nothing detrimental or derogatory about this. This is for the exclusive use of our Androscoggin County Commissioners. If you are going to allocate taxpayers' funds from the county, I feel it is mandatory that the county be aware of how this money is being used, not for any other purpose.

The fourth stipulation I had put into the amendment called for all personnel and their respective titles, excluding salaries, be provided to the Androscoggin County Commissioners. On this particular amendment maybe I should have included "including salaries", because after looking over some of the material that has been presented today, apparently a few people are on the run, if I might add here.

Many times it has been stated—and I had no verification of this before—that we had ten of our State employees serving on the county staff. These are classified State employees who receive a classified State pay. But I am led to believe that, in addition to their classified salary, they do receive extra remuneration from Child and Family Services. Maybe this is not illegal but, of course, it reflects upon the other State employees who are in a similar position which, I feel, is not exactly ethical.

I read with interest a letter that was circulated in the Senate this morning from Child and Family Mental Health Services, or possibly Lewiston-Auburn Catholic Bureau of Social Service, as its true name is, from its Director, Mr. Kane, expressing apparently some reluctance about his educational leave, or sabbatical leave. Apparently this was requested by the sponsor of the bill. No. 2 in particular was brought to my attention, and I had to do a little research on it, but I would like to bring it to your attention: "Educational leave is also a routine policy in the State Department of Health and Welfare in the Bureau of Mental Health, and my plans have the full endorsement of Dr. William Schumacher, Director of the Bureau of Mental Health." This is all well and good. And then the third item, "Absolutely none of the county funds are

involved in my educational leave.” This is absolutely very, very true, except that a council order, which was approved April 30, 1969, and I will read you the following: “A scholarship grant to Mr. Thomas Kane, Director of Child and Family Mental Health Services, Lewiston, to attend the Catholic University in Washington, D. C. for purpose of education leading to a doctorate degree in social work. Such educational assistance will be repaid.” I refer to this part here as possibly intellectual dishonesty. “Will be repaid by Mr. Kane with two years obligated service in the State of Maine.” He is not a State employee, but he is getting this money. “On the completion of his educational leave. His continuing salary during this time is being paid by the Child and Family Mental Health Services of Lewiston, and not by the State of Maine.”

This particular grant was for the amount of \$6,000. This disturbed me a little bit when I read this letter this morning and found out about this, so I did a little further research and looked up the statutory law which, I might add at this particular point, is rather broad, to give him also a blank check endorsement of his entire salary of approximately \$14,500, plus \$6,000 of State funds. Some people say “Well, these are federal funds.” This may be true in one respect, but you can’t differentiate between a state dollar and a federal dollar because they both look alike. Chapter 503, which went into effect May 11, 1966—and I won’t read the entire section—but this is where he refers to Dr. Schumacher, and I can see where the Council had no choice in this particular matter: “Sums remaining in the Mental Health Program Improvement Fund shall be utilized by the Department of Mental Health and Corrections, with the approval of the Governor and Council, for the improvement of mental health programs.” Well, if his education for the sum of \$6,000 is for the improvement of mental health programs, I think this should be defined a little more closely. In fact, it brings to mind a few months back when the good Senator from Hancock, Senator Anderson, spoke

about a little economy in State Government, and I feel at this particular point that the taxpayers of the State of Maine and this nation are being bilked to this particular degree by the monstrosities which we in the legislature have created in this Department of Mental Health and Corrections, that they have outgrown and are no longer useful to the legislature, that they are dictating as they see fit, and we are at their mercy. It is a most unfortunate circumstance.

The original bill that was set up was a very, very simple one. Just one simple paragraph: The County Commissioners of Androscoggin County—originally it was “may”—expend county funds to operate programs for Child and Family Services, but this was changed to “shall”. My own objection, and it still is today—and as Senator Reed has pointed out, I might be a Jeffersonian Democrat also—where I would rebel as far as this is concerned, and I might add at this particular point that I might stand alone in my rebellion, but if the citizens of Androscoggin County, or the towns and municipalities who pay county taxes, are to know how this money is being spent, there is no objection to putting in an amendment of some type, maybe not the particular one I have suggested, but some type to clarify this particular matter. I feel at this particular point that, if that amendment is not satisfactory, that we should solicit another way to take care of this particular matter.

I feel also, in this particular respect, do we want to prostitute the County of Androscoggin in compelling them, under statutory law, to give a blank check endorsement of the taxpayers’ funds without some type of guidelines to follow? My amendment simply asks for guidelines, nothing else. I still would say at this particular point that, if the Senate would possibly consider at the present time, instead of indefinitely postponing my amendment, that I be given the opportunity, possibly until next Monday, to go over it with our county commissioners and come up with a suitable amendment, take it to the Attorney General’s office for his scrutiny, and see possibly if

this would not satisfy everybody concerned. But I still maintain that when you are allocating county funds, you just don't do it on a blank check endorsement. Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President, I move that we recede and concur with the House, and I would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that the Senate recede and concur with the House.

The Senator may proceed.

Mr. BOISVERT: Members of the Senate: I hesitate to continue the debate on this particular matter, but I am compelled to do so. This matter has been before you for quite some time.

We are talking here about guidelines. Earlier in this session there was quite a debate here in this chamber concerning county budgets, and out of that debate, I do believe, a study will be made. But the Towns and Counties Committee established a policy early this year to accept the majority vote of each delegation on subjects regarding the budgets of our counties. This has been done for many counties concerning the same type of organization that we are talking about today. I know that you have on your desks today fourteen signatures, out of a delegation of seventeen from Androscoggin County, favoring the bill without the amendment mentioned.

My good friend Senator Minkowsky has in his file a letter from the county commissioners supporting the bill without the amendment. This should be enough to abide by the policy established by the Towns and Counties Committee.

I would like to add another comment referring to a request from a former Senator of this body, now the State Treasurer. This was addressed to the Attorney General's office, dated January 16, 1963. The question was "Expenditure of County Funds, Oxford County Association for Retarded Children, Inc." The two questions were

this: "Whether the legislature may direct a county to spend county moneys for the above-named corporation?" This was the ruling by the Supreme Court, the answer was: "Yes, where the purposes are public and of special benefit to the county." The second question was: "If so, whether such moneys may be included in a legislative resolve laying such amount upon the county to be raised as a tax for the purpose of paying the same?" The answer was "Yes."

I had the pleasure to attend a testimonial banquet when this organization that we are talking about celebrated its tenth anniversary. All denominations were represented there, and we realized the work that had been done up to that time by this organization. Let me remind you, Members of this Senate, their budget is \$300,000. This organization is a helping hand to the State Government and to the Federal Government, and to drag this organization into the political arena is something that I dislike very much. I hope, Members of the Senate, that you will support my motion to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: At this point I think the matter has been pretty well debated, but the intent actually was not to drag Child and Family Services into a political arena. I attended the public hearing on this particular bill, and I observed very closely that everybody down there was on the board of directors or was somehow or other connected directly with Child and Family Services. But there again, to drag them into the political arena, they have brought forth to us this legislation for our consideration. All I am saying, in essence, is at least set up a palatable type guideline to go by and they will have no objections along this particular line whatsoever.

In one respect I believe in what they are doing, and I have told them so, although the sponsor of the bill has come out publicly and stated that I was opposed to them.

Well, this was the furthest from the truth but, on the other hand, this person was welcome to his own particular opinions.

The Child and Family Services, I mentioned in previous presentations, was over-rated, and I got this from reliable sources. From our own Department of Health and Welfare in our own area, there are certain cases that they have that can be retrained and would be able to use their particular facilities but, on the other hand, if they had difficulty with these cases they would fall on the State offices. I don't feel, with the type of budget they have, that it is exactly fair.

Going back to another point that the good Senator from Lewiston had mentioned, Senator Boisvert, about their funds of \$300,000, yes, ninety per cent of these funds are taxpayers' funds, whether from a federal, state, county or municipal level, and somebody must ask for an accounting along these lines. This is basically all I ask for.

Mr. President, I would ask that somebody table this matter until next Monday.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President, I would move that this item be tabled until Monday next.

Thereupon, on motion by Mr. Boisvert of Androscoggin, a division was had. Thirteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion to table prevailed, pending the motion by Mr. Boisvert of Androscoggin that the Senate Recede and Concur.

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Minkowsky of Androscoggin:

Bill, "An Act Relating to Minimum Hour and Wage Standards for Firefighting Personnel of the Auburn Fire Department" (H. P. 692) (L. D. 892)

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Pending — the motion by Mr. Tanous of Penobscot that the Sen-

ate Accept the Minority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Bernard of Androscoggin, retabled and tomorrow assigned, pending the motion by Mr. Tanous of Penobscot to Accept the Minority Ought Not to Pass Report of the Committee.

The President laid before the Senate the third matter tabled earlier in today's session, by Mr. Mills of Franklin:

Bill, "An Act Relating to Payments to the Law Libraries in the Several Counties of the State." (S. P. 486) (L. D. 1570)

Pending — Passage to be Engrossed.

Mr. Mills of Franklin then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-239, was Read and Adopted.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-238, was Read and Adopted.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, a palimentary inquiry, and somebody else will have to table this now that I have talked, but this sounds like another amendment to the same section and someone will mess it all up in Engrossment if we go ahead with what we are doing. I would suggest that somebody else table this and not let it go down to the Engrossing Department.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Thereupon, on motion by Mr. Cianchette of Somerset, tabled and tomorrow assigned, pending Passage to be Engrossed.

Joint Order

Out of Order and under suspension of the rules, Mr. Bernard of Androscoggin presented the following Order and moved its passage:

ORDERED, the House concurring, that Bill, "AN ACT Declaring Procedures for Acquiring and Protecting Antiquities on State Lands" (S. P. 389) (L. D. 1314) be recalled

from the Legislative Files to the Senate. (S. P. 495)

Which was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

Mr. Beliveau of Oxford moved the Senate reconsider its action of yesterday whereby Bill, "An Act to Revise the Pharmacy Law" (H. P. 1175) (L. D. 1496), was Indefinitely Postponed.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford to reconsider.

Mr. Sewall of Penobscot moved the Senate reconsider its action of yesterday whereby An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department, (H. P. 944) (L. D. 1205), was Indefinitely Postponed.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending the motion by Mr. Sewall of Penobscot to reconsider.

Order

Out of Order and under suspension of the rules, Mr. Hanson of Kennebec presented the following Order and moved its Passage:

WHEREAS, the Year 1969 marks the 10th anniversary of the Gardiner Hi-Y Club of Gardiner, Maine, affiliated with the South Central District YMCA, with headquarters in Gardiner and with Gardiner Area High School; and

WHEREAS, no other Hi-Y Club has existed anywhere near this long in the Gardiner area; and

WHEREAS, the Gardiner Hi-Y Club has as part of its 10th anniversary year observance received its 8th consecutive honor club designation, the highest possible ranking which may be granted a Maine Hi-Y, or Tri-Hi-Y Club, by the Maine State Hi-Y, Tri-Hi-Y Cabinet; and

WHEREAS, no other Maine Hi-Y, or Tri-Hi-Y Club, has ever before achieved such a record of excellence or received as many consecutive honor club ratings in

the annual, state-wide evaluation with other Maine Hi-Y and Tri-Hi-Y Clubs; and

WHEREAS, this represents exceptional fulfillment of the Hi-Y purpose "to create, maintain and extend throughout the home, school and community, high standards of Christian character" through many worthwhile community service projects to help others and through club programs and activities to help members develop as leaders and outstanding citizens of their community, state and nation, particularly in the future, as they apply more and more in their lives the teachings of the Young Men's Christian Association, and of Hi-Y; and

WHEREAS, this outstanding record of achievement by Gardiner Hi-Y reveals that there are many young people in our communities and state today who are willing to uphold and promote the good, the just and the right, in contrast to radical student elements which would prefer to destroy and that such examples of achievement as that of the Gardiner Hi-Y Club over the past 10 years, is encouraging and most helpful in reinforcing our belief and faith in youth generally in our state and land; now, therefore, be it

ORDERED, that the members of the Senate of the 104th Legislature of this State, now assembled, commend and congratulate President Jeffrey M. Temple, his immediate predecessors, Clifton C. Malcolm and Stephen A. McLellan, other officers, members and advisers, including Mr. Neil Dodge of the Gardiner Area High School faculty, and Mr. John A. Littlefield of Randolph, and Thomas College, Waterville, as well as past officers, and members and others associated with the club, and wish them continued success in furthering their splendid record of leadership and service along with our special recognition of the many fine Hi-Y, Tri-Hi-Y and other youth groups throughout the State of Maine; and be it further

ORDERED, that duly authenticated copies of this Order be presented to President Temple honoring the occasion.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, this is a purely congratulatory message concerning Gardiner that has a timely aspect. I move its Passage.

Thereupon, the Order received Passage.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Monday, June 9, 1969, at 3 o'clock in the afternoon.